

APPEAL NO. 020178
FILED MARCH 18, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was originally scheduled for December 20, 2001. Although the claimant sent a letter dated November 12, 2001, to the Texas Workers' Compensation Commission (Commission), which was received on November 14, 2001, stating that she did not wish to pursue the scheduled hearing to determine her eligibility for compensation benefits, the hearing was apparently not canceled prior to December 20, 2001, and the appellant (attorney) appeared at the local field office where she waited until she was advised that a decision would be issued without the need for a hearing. The attorney requested compensation for this hour, in addition to other attorney's fees which are not in dispute, and provided written justification for payment.

On January 15, 2002, a Commission employee, who is not a hearing officer, issued a Commission Order for Attorney's Fees (Order), covering services for the period from December 18, 2001, through December 31, 2001, approving all of the requested fees and expenses except for the hour requested for attending the hearing. This hour was disapproved for the reason "Service Provided Unclear." The attorney appeals, asserting that she should be compensated for the disputed hour because when she contacted the Commission the week of the hearing, she was advised that her presence would be required on December 20, 2001, as a hearing would be held regardless of the claimant's intention not to appear.

DECISION

The Order not being entered by a hearing officer, no jurisdictional basis exists for our review. Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 152.1 (Rule 152.1). Rule 152.3(d) requires any party who wants to contest fees fixed and approved by the Commission to request a "benefit [CCH]." The only exception is Rule 152.3(e), which provides: "An attorney, claimant, or carrier who contests the fee ordered by a hearing officer after a benefit [CCH] shall request review by the appeals panel pursuant to the provisions of § 143.3 of this title (relating to Requesting the Appeals Panel to review the Decision of the Hearing Officer)." As the Order in this case was not issued by a hearing officer, the Appeals Panel lacks jurisdiction to review the disputed attorney's fees.

The true corporate name of the carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**WILLIAM PARNELL
8144 WALNUT HILL LANE, SUITE 1600
DALLAS, TEXAS 75231.**

Chris Cowan
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Philip F. O'Neill
Appeals Judge